



Kingdom of the Netherlands

Office of the High Commissioner for Human Rights
Ms. Jane Connors, Chief Special Procedures Branch
Palais Wilson
Rue des Pâquis 52
1201 Geneva

Permanent representation of the
Kingdom of the Netherlands
31-33 Av. Giuseppe Motta
CH-1211 Genève
Switzerland

geneva.nlmission.org

Contact

Maurits ter Kuile

T +41 22 748 1810

F +41 22 748 1818

Maurits-ter.kuile@minbuza.nl

Date 10 July 2013
Re Allegation letter "AL af. Descent 2012 Cultural Rights (2009) Minorities
(2005-4) F/SO 214 *78-15) NLD 1/2013" of 17 January 2013

Our reference

GEV/PA 188/2013

Dear Ms. Connors,

Please find herewith attached the replies of the Government of the Kingdom of the Netherlands to letter "AL af. Descent 2012 Cultural Rights (2009) Minorities (2005-4) F/SO 214 *78-15) NLD 1/2013" of 17 January 2013, in which the Chief-Rapporteur of the Working Group on people of African descent, the Special Rapporteur in the field of cultural rights, the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, request the Government of the Kingdom of the Netherlands for cooperation and observations on several matters related to the Dutch "Sinterklaas" festival.

Please accept the assurances of my highest consideration,

Roderick van Schreven
Ambassador, Permanent Representative

OHCHR REGISTRY

12 JUL. 2013

Recipients :.....**SPD**.....

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1. Are the facts alleged in the above summary accurate?

The allegations are incorrect. The Dutch authorities have not submitted the Sinterklaas festival as a nomination proposal to UNESCO. Nor has the *Sinterklaas* festival been placed on any of the UNESCO lists. The Dutch government is aware that 'Black Pete' is considered by some to be offensive.

2. Have complaints been lodged with regard to the alleged situations of racism and racial stereotyping mentioned above?

People who feel they have been discriminated against can report this to their local anti-discrimination-office. Most of these reports concern discrimination on the grounds of race. There are also reports made about 'Black Pete'. The number of complaints received about 'Black Pete' fluctuates considerably from year to year and from office to office. In 2012, the Amsterdam regional bureau received the most complaints concerning 'Black Pete': 204 complaints. In 2011, 113 complaints were received in Amsterdam, and prior to this there were 3 or 4 complaints a year. The increase in the number of complaints can probably be accounted for by the ongoing public debate in the Netherlands concerning the role of 'Black Pete'.

3. Please indicate to which extent your Government has involved the Dutch society, including African people and people of African descent, in the discussions regarding the choice of Santa Claus, and Black Pete as expression of cultural significance in the country.

See the answer to question 4.

4. Please provide the details, and where available the results, of consultations undertaken prior to the proposal of listing "Santa Claus and Black Pete" as World Intangible Heritage item. If no consultations have taken place, or if they have been inconclusive, please explain why.

The Kingdom of the Netherlands has ratified the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. The Convention entered into force in the Netherlands in August 2012. As stated above, the Netherlands has so far made no submissions for either of the Convention's international lists and currently has no plans to nominate the Sinterklaas festival for inscription on one of the lists. This is why no consultations have taken place with the Dutch public, including Surinamese and Antillean Dutch people of African descent or representatives of their communities.

5. Please provide information about steps adopted by your Government to address the wider concern expressed by African people and people of African descent regarding the Black Pete figure as a stereotyped image stirring racial differences as well as racism.

The Dutch government sees the *Sinterklaas* festival as a traditional children's festival. The focus is on *Sinterklaas* as a figure who hands out presents, and the festival is celebrated in many different ways by different Dutch people. The government is aware that people's opinions about this festival differ. The role played by 'Black Pete' is sometimes a subject for public debate.

The Dutch government is highly committed to combating discrimination on all grounds, and has a comprehensive legal framework in place to do so. Everyone in the Netherlands is protected by law against discrimination. The ban on discrimination is enshrined in article 1 of the Dutch Constitution. In addition to the statutory framework in place in the Netherlands to combat all forms of discrimination, including racism, a national network of anti-discrimination bureaus has also been set up.

An anti-discrimination action programme was sent to the House of Representatives in 2010. Plans to tighten up the measures in this programme were sent to the House the following year. Key features of the action programme include measures to monitor and prevent discrimination and prosecute those guilty of it. Since 2009, discrimination has been designated an aggravating factor, allowing sentences to be increased by 50%. As of May 2011, an additional aggravating factor was introduced for such offences: the public prosecutor can now apply for a longer sentence if a serious criminal offence is motivated by discrimination. This warrants a 100% increase. In 2012, it was announced that an annual letter to Parliament on discrimination would be published, in which the government would report progress on the measures adopted, including those to combat racial discrimination.